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EUROPEAN CENTRE
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MINORITY ISSUES

Issues of Minority Rights in the Ethiopian Federation

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ECMI WORKING PAPER #59
April 2012



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ECMI Working Paper
European Centre for Minority Issues (ECMI)
Director: Dr. Tove H. Malloy
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By taking the objective, subjective and the combination of both criteria of defining minorities, Ethiopia is a land of minorities. There is not any one ethnic group that claims to be in a majority position at the federal /national level. However, the Constitution of the Federal Democratic Republic of Ethiopia tries to create majority ethnic groups at the regional states/ subnational level by making ethnicity incongruent with the territorial demarcation of the constituent units of the federation. Thus, this ethno-territorial organization left a number of ethnic groups as a minority outside their designated ethno-territorial setting. They are considered to be “migrants or exogenous groups”, which do not have constitutional recognition under the constitutions of the regional states. The Federal Constitution recognized minority rights implicitly as given to all Nations, Nationalities and Peoples of Ethiopia, as all Nations, Nationalities and Peoples of Ethiopia having all cultural, linguistic, and self-determination rights as long as they are “indigenous to the areas”, that they currently occupy. They have also a right to be represented at the federal level through the House of Federation (the Ethiopian Second Chamber). The Constitution also explicitly recognizes minority representation in the House of Peoples Representatives under article 54 /3, which reserves at least 20 seats for minority Nationalities. It is from this backdrop that this working paper describes the Constitution of the Federal Democratic Republic of Ethiopia in light of the international human right instruments to which Ethiopia is a party. It also describes the practical implementation of some minority rights based on secondary data. Thus this working paper intends to answer the following questions: How is the issue of minority rights treated under the Constitution of the Federal Democratic Republic of Ethiopia? What are the international human right instruments to which Ethiopia is a party? What are the current trends in the implementation of minority rights in Ethiopia? It is found that the Ethiopian Constitution entertains minority rights albeit implicitly and that there are practical trends in implementing minority rights in language, education, cultural and representation rights of minorities in Ethiopia at all levels. The issue of dispersed minorities and majority- minority relations at the regional and state levels needs further debate based on further models of minority accommodation, such as non-territorial autonomy.

Haileyesus Taye Chekole, April 2012
ECMI Working Paper #59

I. INTRODUCTION

Ethiopia is an ancient country with a rich diversity of peoples and cultures. Paleontological studies identify Ethiopia as one of the cradles of humankind. —Dinknesh or —Lucy, one of the earliest and most complete hominoids discovered through archaeological excavations, dates back to 3.5 million years (Milkias, 2010). Ethiopia's geographical and historical factors have had a great influence on the distribution of its peoples and languages. Ethiopia embraces a complex variety of nations, nationalities and peoples, and linguistic groups. Altogether, its peoples speak more than 80 different languages, comprising 12 Semitic, 22 Cushitic, 18 Omotic and 18 Nilo-Saharan languages (Central Statistic Report, 2007). This makes Ethiopia a mosaic of languages and culture. The country has always maintained its independence, even during the colonial era in Africa. Ethiopia's membership in multilateral governmental organizations started as a member of the defunct League of Nations. Ethiopia was one of the founding members of the United Nations and has been playing an active role in African affairs. It specifically played a pioneering role in the formation of the Organization of African Unity (OAU). In fact, the capital city, Addis Ababa, has been a seat for the OAU since its establishment and continues serving as the seat for the African Union (AU) today.

Ethiopia was ruled by successive emperors and kings with a feudal system of government. The first modern written Constitution of Imperial Ethiopia was promulgated in 1931 and later revised in 1955. The two Constitutions were given by the Emperor to his subjects and they were devoid of any provision on minority rights. However, the 1955 Constitution had provisions on fundamental civil and political rights, especially so since Ethiopia was a founding member of United Nation and a party to the Universal Declaration of Human Rights (hereinafter UDHR). The influence of the UDHR on the revised 1955 Constitution is clearly visible in the

provision of civil and political rights in the Constitution, in chapter three under rights and duties of the People. In 1974, the military took over the reign of rule by force and administered the country until May 1991. In 1987, the third Constitution of Ethiopia was introduced by the military regime, including a provision on the linguistic and cultural rights of the nationalities of Ethiopia (see Andargachew, 1993; Tornvoll, 2000).

Currently, the country is structured as a parliamentary federal polity, with a bicameral parliament- the House of Peoples' Representatives and the House of the Federation. The Federation encompasses nine regional states, namely, Tigray, Afar, Amhara, Oromiya, Somali, Benishangul-Gumuz, Southern Nations, Nationalities and Peoples, Gambela, Harari and two city administrations, that is, Addis Ababa and Dire Dawa Administration Council. The right to self-determination as conceived under the Ethiopian constitution is very broad and includes language rights, cultural rights and rights of self-administration. In whatever criteria minority is defined, Ethiopian is a land of minorities (see Pentassuglia, 2005:55-74 for a detailed discussion on the definition of minority). Taking the composition of the Ethiopian population at the federal (national) level there is not any ethnic group (nation, nationality and people) which forms a majority (see table 1 in the annex for the major ethnic groups with more than 1 million population). So it is that at the federal level the minority-minority relations and its governance is a paramount issue of minority rights. But, at the regional states level, there are considerable majorities in five of the regional states (Amhara, Tigray, Oromiya, Afar, Somali), which have their nomenclature in the name of the majority group. So, the issue of majority- minority relations in Ethiopia would be very crucial at the regional states level. In the other regional states (Harari, Gambela, Benishangul-Gumuz and Southern Nation, Nationality and Peoples) the minority-minority relations and the endogenous and exogenous minority-majority or vice versa relations are of importance in light of minority rights.



In order to assess the aforementioned issues, the author first demonstrates the normative framework in the Ethiopian federation for minority rights based on the FDRE Constitution and then proceeds to look at the international covenants and treaties to which Ethiopia is a party. Then, the current trend in implementation of minority rights will be partly described based on representation at the federal level, the use of language in education at the primary level. Finally, a tentative conclusion will be drawn. The overall study of the practice of minority rights in the Ethiopian federation is beyond the scope of this working paper, and requires a project-based empirical study of the whole recognition, protection, promotion and participation issues of minority governance in the Ethiopian federation.

II. THE CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA AND MINORITY RIGHTS

The 1995 Constitution of the Federal Democratic Republic of Ethiopia (hereinafter FDRE Constitution) begins in its preamble with the recognition of the Ethiopian polity as a composition of Nation, Nationalities and Peoples of Ethiopia. It is clearly discernable in its wording “*we, the Nation, Nationality and Peoples of Ethiopia.*” This expression hints to the recognition of Ethiopia as the land of Nation, Nationality and Peoples and with that implicitly as the land of minorities, in whatever criteria minority may be defined in the Ethiopian context. This normative framework is seen by some scholars to be a clear commitment to a plurinational polity and a clear departure from a single ethnic based domination of one cultural group over the others (see Asefa, 2007; Tronvoll, 2000; Gay McDougall report 2007). Merara views the normative framework as a political game based on ethnically divide and rule, to legitimize the incumbent governing

party (Merara, 2007). But, the normative recognition of the Ethiopian polity as a multiethnic/national polity is a necessary first step towards the protection of minority rights. A reading through the constitutional provisions clearly shows that both individual and collective rights are enshrined in the FDRE Constitution. The basic precondition for the minorities to exercise their rights is first and foremost the assurance of the very existence of the minorities. In this respect, the FDRE Constitution under article 28 placed genocide and summary execution as defined by international agreements ratified by Ethiopia and by other laws of Ethiopia as crimes against humanity. Since Ethiopia is a party to the international Convention on the Prevention and Punishment of the Crime of Genocide by ratifying the convention on 1st of July 1949 (see UN treaty collection chapter IV) and by the virtue of article 28 of the FDRE Constitution, the basic frameworks for the physical existence of minorities are indeed set down in the Ethiopian Federation.

The Constitution has also enshrined the spirit and words of the UDHR. It stipulates that all persons are equal before the law and are entitled to equal and effective protection of the law without discrimination on grounds of national or social origin, sex, language, religion, political or other opinion, property, birth or other status (see article 25 of the FDRE Constitution). The recognition of equality and non-discrimination are the basic normative foundations of the Constitution underpinning further minority rights. But, issues of non-discrimination and formal equality rights and the protection of minorities by providing especial status, which may not be given to other and the issue of substantive equality, within the Ethiopian federation at large and within the regional states need a case-by-case balancing of the right of non-discrimination and right of minorities to special protection.

The Constitution provides also that everyone has the right of thought, conscience and religion as well as inviolable and inalienable right to life, privacy, liberty and the security of person. (See Article 13-28 of the FDRE



Constitution). The constitution promulgates also a broad range of collective rights, starting from recognition of every Nation, Nationality and Peoples of Ethiopia as the sovereign power holders in the Ethiopian polity, to self-determination up to secession rights.

The most important article in relation to minority rights may be described as follows:

Article 5/1 states that all Ethiopian languages shall enjoy equal state recognition. The recognition of all Ethiopian languages, independence of number of speakers and whether they are regional or minority languages is an important step towards the implementation of minority rights in Ethiopia. Since language is the main cultural marker that differentiates minorities from majority and enables the existence of a minority as an identified group.

Article 8(1) state that all the sovereign power resides in the Nations, Nationalities and Peoples of Ethiopia. Since Ethiopia is recognized here as a composite of Nation, Nationalities and Peoples, every person in Ethiopia is assumed to belong to certain Nation, Nationalities and Peoples and hence all Nation, Nationalities and Peoples, whether large or small in number are the sovereign power holder. So, implicitly minorities in Ethiopia are recognized as the founders of the Ethiopian polity. This is a wider recognition of minority rights albeit implicitly.

Article 35 and 36 are devoted to the Rights of Women and Rights of Children, respectively. These articles are very instrumental for protection and promoting the case of women and children in a country of Nation, Nationality and Peoples, where different ethnic groups have certain self-administration rights. When the right of Nation, Nationalities and Peoples as ethnic group came into conflict with the right of women and children as a collective group, the constitution as supreme law of the land (see article 9/1) would serve as a guaranty of the right of women and children.

The highly contested and the more elaborated provision regarding the rights of Nation, Nationalities and Peoples, and hence also minorities as long as they fulfill the criteria of “Nation, Nationalities and Peoples” is article 39 of the FDRE Constitution (available on the

internet at: http://www.servat.unive.ch/icl/et00000_.html).

So it is desirable to present at this juncture the whole provisions of this article.

Article 39 of the FDRE Constitution “*Rights of Nations Nationalities and Peoples*,” stipulates the following

1. Every Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the right to secession.
2. Every Nation, Nationality and People in Ethiopia has the right to speak, to write and to develop its own language; to express, to develop and to promote its culture; and to preserve its history.
3. Every Nation, Nationality and People in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that in inhabits and to equitable representation in State and Federal governments.
4. The right to self-determination, including secession, of every Nation, Nationality and People shall come into effect
 - a. When a demand for secession has been approved by two thirds majority of the members of the legislative council of the Nation, Nationality or People concerned;
 - b. When the Federal Government has organized a referendum which must take place within three years from the time it received the concerned council’s decision for secession;
 - c. When the demand for secession is supported by a majority vote in the referendum;
 - d. When the Federal Government will have transferred its powers to the Council of the Nation, Nationality or People who has voted to secede; and



- e. When the division of assets is effected in a manner prescribed by law.
- 5. A “Nation, Nationality or People” for the purpose of this Constitution, is a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.

Thus can be seen that article 39 provides a wide range of rights for the Nation, Nationalities and Peoples of Ethiopia. It defines also what Nation, Nationalities and Peoples mean for the purpose of the Constitution. From the definition it is possible to decipher that the Nation, Nationalities and Peoples in the context of the FDRE Constitution includes also minority groups as long as they identified themselves as Nation, Nationality or Peoples and fulfill the defining objective and subjective criteria. However, the implementation of all these principles is a cumbersome issue in a land of more than 80 ethnic groups, in which all ethnic groups may fulfill the defining criteria to be identified as Nation, nationality or Peoples. It is for this reason that minority governance in this context requires a right-based bottom up approach and a participatory democratization process, in which the needs of each ethnic group is accommodated depending on the practical context on the ground. How far the current federal setup is successful in accommodating minorities and developing the sense of “*unity in diversity*” and “*nested/multiple identity*” is an issue which needs detailed scholarly investigation.

The other article worthy of mention in relation to minority rights is article 89/4 of the FDRE Constitution. The FDRE constitution in its Art 89/4 states that the government has the duty to provide special assistance to nations, nationalities and peoples which are least advantaged in economic and social development. This special assistance to

economically least advantaged groups is indeed another measure in promoting minority rights in the country. The FDRE Constitution provides a wide range of provisions for the recognition, protection and promotion of minority rights as long as the minorities are to be identified within the category of Nation, Nationality and People and fulfills the objective and subjective criteria implied in defining Nation, Nationality and Peoples in the Constitution. The difference between the three groups, namely Nation, nationality and Peoples is blurred. There are a number of speculations associated with the difference, some associated it to the difference in the population number, others to the difference in the degree of mobilization and the degree of the development of the psychological makeup and still others see no difference except the wording (see Asefa 2007, Alem 2005).

Thus has been shown that the FDRE Constitution as a normative framework contains valuable provision of minority rights. In this regard Tronvoll (2000: 20) aptly noted that:

The Ethiopian Constitution undoubtedly guarantees the protection of collective and individual rights. Few other constitution in the world, if any, include the right to self determination up to and including secession for all ethnic groups who desire it. Thus the Ethiopian Constitution may seemingly be characterized as one of the most minority-friendly constitutions in Africa, or even globally.

Be this as it may, regarding the constitutional framework, constitutionalism and constitutionality and the democratic governance of minority-majority and minority-minority relations at the federal and regional state level is the crux of minority rights in the Ethiopian context which needs to be investigated empirically with the help of some indicators of minority rights implementation.



III. REPRESENTATION OF MINORITIES AT THE FEDERAL LEVEL

One of the core pillars of minority rights is the representation and participation of minorities in the decision-making process. This is very crucial especially regarding issues, which are concerns of minorities. The Ethiopian federal system provides the opportunity of representation of all minorities at the federal level in the two Houses of Parliament in different ways.

The representation of all Nation, Nationality and Peoples in the House of Federation (the Upper House), which is the quintessential place of minority representation is regulated according to article 61 of the FDRE Constitution. Article 61 reads as follows;

Members of the House of Federation:

1. The House of the Federation is composed of representatives of Nations, Nationalities and Peoples
2. Each Nation, Nationality and Peoples shall be represented in the House of the federation by a least one member. Each Nation or Nationality shall be represented by one additional representative for each one million of its population.

Based on these articles currently the house of federation has 135 Members and they represent 65 Nation and Nationalities (see table 2, annex). So, as the House of Federation is responsible to the preparation and decision of the federal – state budget transfer formula and the interpretation of the constitution (see article 62 of the FDE Constitution), it is possible to contend that the Nation, Nationality and Peoples of Ethiopia are present in critical decisions that influence their rights as a minority. Moreover the House is also entrusted with the responsibility to solve disputes that may arise between regional states and to promote and consolidate the unity of Nation, Nationality and Peoples of Ethiopia based on equality and their mutual consent. In fact, as part of the House of Federation minorities also have the possibility to

influence their common destiny as citizens of Ethiopia.

Some scholars lament that the House has little power in policy formulation and legislation at the federal level and it is a weak form of second chamber that has little influence on the practical day-to-day operation of the federation as not being a legislative organ in contrast to the House of Peoples Representative (the Lower House) (see Asefa, 2007; Alem, 2005). It then follows that the Nation, Nationalities and Peoples, implicitly minorities have no strong influence on the legislation and hence the policy formulation and implementation processes of the federal government. By taking into consideration that the development and decision on federal-state budget transfer formula and the constitutional interpretation as the basic responsibilities of the House of Federation and the possibility of representation of minority nationalities in the House of Peoples Representatives, it is possible to argue that, minorities have wider possibilities to bring their case forward and to influence the decision making process at the federal level. However, the main variable that accounts for the degree of influence on decision making is party politics. As a matter of fact, minority issues are also directly related to the party political constellation in the country and the current incumbent coalition of regionally organized parties may give a chance for the minorities to promote their issues, as a coalition partners.

The second possibility for minority representation at the federal level under the FDRE Constitution is the representation of minority nationalities in the House of Peoples Representatives.

Article 54/3 of the FDRE Constitution explicitly states the representation of minority nationalities and peoples. The article reads as follows

Members of the House, on the basis of population and special representation of minority Nationality and Peoples, shall not exceed 550; of these, minority Nationalities and Peoples shall have at least 20 seats. Particulars shall be determined by law.



Although determining the minority Nationality and Peoples is an issue which needs further legislation, as a framework the constitution recognized the representation of minorities, which would not be able to be represented in the House of Peoples Representatives on the “*one man one vote*” and the first –past-the post election system of Ethiopia.

To clearly pinpoint the way of minority representation in the House of Peoples Representatives, it is desirable at this juncture to discuss, the Election Law of Ethiopia, Proclamation 253/2007. Article 20 of this proclamation dealt with the issue of “*constituencies*.” In relation to minority representation sub-article 1 paragraph b, c, d, e of article 20 are of paramount importance and are presented as follows:

1. Constituencies for general elections shall be organized as follows
 - b) The number of constituencies, which shall be determined on the basis of the population of the country and special representation of minority nationalities and peoples shall not exceed 550 and shall contain a proportional number of people except in the case of constituencies, where minority nationalities and peoples are represented.
 - c) There shall be constituencies, where in accordance with article 54 of the Constitution minority nationalities and peoples, whose member is not less than 20 and are believed to require special representation, represented.
 - d) Minority nationalities believed to require special representation shall be determined in advance by the House of Federation based on clear criteria
 - e) The list of constituencies shall be decided and announced to the public by the House of Federation upon the study and report of the Board submitted to the House. (see Proclamation 253/2007)

Thus, a prior identification of minorities to be represented is a responsibility entrusted to the House of Federation, which is also the House of Nation, Nationalities and Peoples and ipso facto also the house of minorities, which are recognized as Nation, Nationality and Peoples in Ethiopia. The right of minority groups, whose number is not less than 20 to have their representative in the House of Peoples Representative, where currently one Member of Parliament represents 100,000 people, albeit the perceived asymmetry between representing 100,000 people and 20 peoples, makes the House of Peoples Representative, minority friendly parliament.

Finally, it is possible to argue that in the Ethiopian federation, minorities have an explicit and implied right to be represented at the federal level in the two Houses (the House of Federation and the House of Peoples Representatives). However, the way that the different groups influence the decisions of the two Houses and how the party political constellation influences the rights of minority and minority-minority relations at the federal level needs a detailed empirical study.

IV. ETHIOPIA AS A PARTY TO INTERNATIONAL HUMAN RIGHT INSTRUMENTS

The conceptualization of minority rights at the international level in the form of treaty and declarations has been traced back to the works of the League of Nations (Pentassugalia, 2005; Thornberry and Estebanez, 2004). But until present, there has not been a consensus at the international level on the type of entitlements different categories of minorities (indigenous, national, immigrant) should have and how to differentiate these groups in different contexts (Kymlicka, 2007). Moreover, the well known debate around collective versus individual rights and the position of minority rights as collective rights in light of human rights as individual rights in the international treaties, declaration and conventions has been an integral part of the discourse on minority right at the international



and regional level. However, minority rights are also human rights for all combined with special rights designed to protect minorities (Pentassugalia, 2005:48).

Thus is seen that the issue of minority rights is a contentious one. It has been treated at the international level in relation to the Universal Human Rights Declaration and various covenants and their provisions on the right of ethnic, racial, religious and language groups. The interaction between the recognition of individual rights and the aim of group protection is a constant theme in international instruments on minority rights (Pentassugalia, 2005: 49). At the international and regional level, there is a tendency to associate the entitlement of different rights to different groups of minorities. This trend is discernable as the right of self-determination (autonomy) for indigenous minorities, cultural rights for national minorities and equal treatment and non-discrimination rights for immigrant and /or new minorities associated to these groups without excluding each other.

Thus as part of the overall status of minority right in any country, it is desirable to assess the international treaties to which a country is a party. In the case of Ethiopia the international agreements have constitutional recognition and they are parts of the national legislation as long as they are ratified by the government.

Article 9/4 of the FDRE Constitution states that, “all international agreements ratified by Ethiopia are an integral part of the law of the land.” Moreover article 13/3 of the constitutions states clearly that:

The fundamental rights and freedom specified in this chapter [chapter three on fundamental rights and freedoms] shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and international instruments adopted by Ethiopia.

As minority rights are part of human rights in the current global context and from the backdrop of the aforementioned articles, it is desirable at this juncture to describe the

international declarations, covenants and human right instruments to which Ethiopia is a party. To this end Table 2 (see annex) adopted from the Norwegian Development Cooperation for Promoting Human Rights Report of September 2011, shows the core universal human right treaties to which Ethiopia is a party. As can be discerned from the table, Ethiopia has ratified International Covenant on Civil and Political Rights (ICCPR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC) and Convention on the Rights of Persons with Disabilities (CRDP), which can be applicable implicitly or explicitly for the protection and promotion of minority rights.

Although Ethiopia is party to major treaties, the pace of ratifying the Optional Protocols (OP) has been slow. In fact, the Optional Protocols are in some ways important in providing an additional forum for minorities for the protection of their rights. As a party to the international instruments any country is expected to report to the UN bodies on the implementation of the agreed treaties. In the case of Ethiopia’s status in the reporting of human right issues to the pertinent bodies of the UN it was recommended to Ethiopia in 2007 by the UN Independent Expert on Minority Issues report after a field visit to Ethiopia as follows:

Make every effort to fulfill its responsibilities to report to United Nations treaty monitoring bodies according to the obligations voluntarily undertaken by Ethiopia (the Independent Expert report, A/HRC/4/9/Add.3 :27)

With the establishment of the Ethiopian Human Rights Commission in 2000, through proclamation 210/2000 and stating of actual functioning in 2005, it is possible to argue that the reporting situation has changed progressively.

There are ten human rights treaty bodies which are committees of independent experts that monitor implementation of the core



international human rights treaties. They are created in accordance with the provisions of the treaty that they monitor. The Office of Higher Commission for Human Rights (OHCHR) assists treaty bodies in harmonizing their working methods and reporting requirements through their secretariats. (see www.ohchr.org for the reporting system and data)

Adopted from the Norwegian Development Cooperation for Promoting Human Rights, the reports of September 2011 annex the reporting status of Ethiopia to treaty bodies as of 2010 (see annex table 3). This shows that Ethiopia has been recognizing the advantage of working in close collaboration with international human right bodies and tries to submit reports on the status of human rights, and in fact minority rights issues in the Ethiopian federation. The commitment of the country to work in close collaboration with international monitoring bodies is also to be recognized in the government's invitation of the UN Independent Expert for Minority Issues to visit the country in 2007 as the only country in Africa, which at least has expressed its willingness to be scrutinized on minority issues in different parts of the country (see Meijknecht 2010:150, for the working mechanism of the Independent Expert and the visited countries).

It is thus possible to argue that the international treaties on human rights issues in which Ethiopia is a party are instruments which may also contribute to the protection and promotion of minority rights in Ethiopia. The practical changes they brought in the overall improvement of the situation of minorities in addition to national legislation is also an area which needs an empirical investigation based on indicators for each individual international treaty instrument.

V. THE USE OF LANGUAGE IN PRIMARY EDUCATION

It can be argued that of all identifiers of minorities as a group, language is the most visible and most embedded marker of any group

identity. Indeed, it is through language that groups share their common experience, their way of life and way of thinking and in turn their way of thinking, culture and experience are also shaped by their language. This dialectical relation between language and groups identity make the protection and promotion of minority languages a quintessential part of minority rights. From this backdrop, it is in fact necessary to assess the place of language rights under the whole rubric of minority rights in the Ethiopian Federation. The FDRE Constitution has given equal state recognition to all Ethiopian language (article 5/ 1) and it gives the right for members of the federation to determine their respective working language by law (article 5/3). Moreover, article 39/2 gives to every Nation, Nationality and People in Ethiopia the right to speak, to write and develop its own language. It is thus not surprising that since the promulgation of the Constitution there have taken place a number of practical changes in the language use in the education system, especially at the primary level and in the use of many languages as working languages at the regional and state level.

This issue has been hailed by different commentators of the Ethiopian language policy. For example the UN Independent Expert for Minority Issues has commented on the language issue as follows:

The constitutional recognition of language right has enabled the use of minority languages, as official languages of the regional states, to be used in public education and by regional governmental institutions. In many respects the re-establishment of local languages has been a major success of the EPRDF Government (the Independent Expert report, A/HRC/4/9/Add.3 :3)

As is discernable from Table 4 (see annex), the nine Regional States and the two City Administrations in the Ethiopian Federation are applying a different matrix of language use at the Primary¹ and 2 levels of Schools and Teachers Training Institutes. Different regions use different combination of mother tongues in primary level education. Pupils in the primary level education are becoming multilingual in the

sense that, they took at least Amharic, and one other mother tongue language and English as a subject or medium of instruction depending on the regional context. These situations may help those speaking only their mother tongue may not be disadvantaged beyond the regional level, and thus in all regions there is education in both Amharic and English, which are also commonly the languages of instruction in secondary and higher education.

The current practice in the use of mother tongue in primary Education is a good start in the right direction of promoting minority rights and implementing the universal access of primary education to all in 2015 as a Millennium Development Goal. The financial capacity and trained manpower availability to provide primary education in all Ethiopian language is the challenge that faces the Ethiopian government. Furthermore the quality of education is one of the hotly debated issues currently in the Ethiopian public and scholars of education. In view of minority rights and the pedagogical value of mother tongue education at primary level the current practices in Ethiopia can be viewed as best practice to be adopted by other multilingual societies.

VI. CONCLUSIONS

Although explicitly not defined, both by subjective and objective criteria of defining minority, Ethiopia is indeed a land of minorities. Minority in Ethiopia is a matter of fact not only a matter of definition. The FDRE Constitution brought forward the word minority explicitly under article 54/3 in reserving 20 seats in the House of Peoples Representatives for “*minority nationalities*.” But, starting from its preamble the constitution speaks about “*Nation, Nationalities and Peoples of Ethiopia*”. So, since every group minority or majority in one or the other parameter belongs to one of the Nation, Nationality and People, it is plausible to assume implicitly that minorities are included in the federal dispensation as long as they are recognized as a nation, nationality or people along ethno-territorial lines. It is in this respect that the

Ethiopian Constitution is not different from other international treaties and declarations as granting minority rights to indigenous and national minorities such as the Council of Europe Framework Convention for the Protection of National Minorities (FCNM), the Council of Europe European Charter for Minority and Regional Language (ECRML), the UN Declaration on the Right of Persons belonging to national or ethnic and linguistic minorities), excluding other, especially the so-called “*immigrant minorities or minorities within minorities*”. The difference may be the degree of the entrenchment of human rights values and their protection in those countries which are party to the international covenants.

In the Ethiopian federation, the Constitution and international treaties and covenants to which Ethiopia is a party have set a normative framework to guide its policy towards implementing minority rights. The trend of practical implementation of minority related issues like language use in education at primary level, in the media and culture and self-governance and representation at federal level for territorially concentrated ethnic groups in their designated areas as their “homeland” is a commendable start in the right direction. However, the following issues need further consideration and scholarly debate in the accommodation of diversity and implementation of minority rights in Ethiopia:

- The issue of homeland (sons of the soil) versus exogenous (internal migrants) minorities
- The issue of dispersed minorities

The issue of minority rights as ethnic group right and the right of different collective groups (women, children, disable persons) as a group and as individuals within the regional states, special zones and woredas, i.e., at the regional and the local administrative unities level, which embodies certain right to decide on collective issues. That is the issue of intersectionality and combined discrimination (for detailed analysis of these issues see Malloy, 2010)



Finally the most challenging issue of balancing collective rights as being a member of certain Nation, Nationality and People as a group and individual rights as an individual having inalienable individual fundamental freedoms and rights, which are incurred in the FDRE Constitution and the international human right instruments need a clear scholarly debate in the Ethiopian context and continuous monitoring

and observance on the side of the federal and regional governments. If the Ethiopian federation has to be fair in implementing minority rights, it may search for other additional models of minority right implementation besides the current one, which seems highly inclined towards solving minority right problems through an ethnic territorial lens.

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Appendices

Table 1: Percentage Distribution of Major Ethnic Groups in Ethiopia

| Ethnic Group | 2007 | | 1994 | |
|--------------|-------------------|------|-------------------|------|
| | Population Number | % | Population Number | % |
| Oromo | 25,488,344 | 34.5 | 17,080,318 | 32% |
| Amhara | 19,867,817 | 26.9 | 16,007,933 | 30.1 |
| Somali | 4,581,793 | 6.2 | 3,160,540 | 5.9 |
| Tigrie | 4,483,776 | 6.1 | 3,284,568 | 6.2 |
| Sidama | 2,966,377 | 4.0 | 1,842,314 | 3.5 |
| Guragie | 1,867,350 | 2.5 | 2,290,274 | 4.3 |
| Welaita | 1,707,074 | 2.3 | 1,269,216 | 2.4 |
| Hadiya | 1,284,366 | 1.7 | 927,933 | 1.7 |
| Afar | 1,276,372 | 1.7 | 979,367 | 1.8 |
| Gamo | 1,107,163 | 1.5 | 719,847 | 1.4 |

Source: summary and statistical report for 2007 population and housing census at www.csa.gov.et accessed on 22/12/2011

**Table 2: Ethiopia as a party of international treaties**

| <i>Core universal human rights treaties</i> | <i>Date of ratification, accession or succession</i> | <i>Declarations /reservations</i> | <i>Recognition of specific competences of treaty bodies</i> |
|---|--|-----------------------------------|---|
| ICERD | 23 June 1976 | None | Individual Complaints (art.14): No |
| ICESCR | 11 June 1993 | None | - |
| ICCPR | 11 June 1993 | None | Inter-State Complaints (art. 41): No |
| ICCPR-OP 1 | | | |
| ICCPR-OP 2 | | | |
| CEDAW | 10 September 1981 | Reservation of art. 29 (1) | - |
| OP-CEDAW | | | |
| CAT | 14 March 1994 | None | Inter-State Complaints (art. 21): No Individual Complaint (art. 22):No Inquire procedure (art.20) : No |
| OP-CAT | | | |
| CRC | 14 Many 1991 | None | |
| OP-CRC-AS | | | |
| OP-CCR-SC | | | |
| CRDP | 7 July 2010 | None | |
| CRDP-OP | | | |
| Core treaties to which Ethiopia is not a party: OP-ICESCR, ICCP-OP 1, ICCP-OP 2, OP-CEDAW, OP-CAT, OP-CRC-AC, OP-CRC-SC, ICRMW, CPD- OP and CED | | | |

Source: Evaluation of Norwegian Development Cooperation to Promote Human Rights, Unprinted Annex, accessed at www.norad.no/scanteam, on 22/11/2010



Table 3: Ethiopian reporting status for international human right bodies

| Treaty Body | Last report submitted and Considered | Latest concluding observation | Reporting status |
|--------------|--------------------------------------|-------------------------------|----------------------------------|
| CERD | ETH- 7-16 | ETH/CO/7-16 (2009) | XVII and XVIII due on 23/7/2013 |
| CESCR | ETH/1- received on 28/07/09 | | |
| HR Committee | ETH/1-received on 28/07/09 | | |
| CEDAW | ETH 4-5 | A/59-38- P.226-273 (2004) | VI and VII received on 28/7/2009 |
| CAT | ETH /1 (45 th) | CAT/C/ETH/CO/1 (2010) | II due on 19 November 2014 |
| CRC | CRC/C/129/ Add.8 | ETH/CO/3 (2003) | IV and V due on 12/12/2011 |

Source: Evaluation of Norwegian Development Cooperation to Promote Human Rights, Unprinted Annex, accessed at www.norad.no/scanteam, on 22/11/2010

**Table 4:- Languages of instruction used in primary schooling and primary teacher training, by city administration or regional state**

Key: MOI = medium of instruction, TT = teacher training, ABE = alternative basic education

| Regional state | MOI at Primary I level (1-4) | MOI at Primary II | | MOI TT for Primary I | MOT TI for Primary II |
|---------------------------------|---|--|--|-------------------------------------|---------------------------|
| | | Grade 5-6 | Grade 7-8 | | |
| Addis Ababa City Administration | Amharic | Amharic | English (all subjects except civic | English | English |
| Dire Dawa (City admin) | Amharic Afan Oromo Somali | Amharic Afan- oromo Somali | English (all subjects except civic) | Amharic | English |
| Afar | Amharic Afar (ABE) | Amharic | English | | |
| Amhara | Amharic Awi Himtana Afan Oromo | Amharic Awi Himtana Afan Oromo | English (Science and Maths) Afan Oromo | Amharic | English |
| Benshangul Gumiz | Amharic | Amharic | English | Amharic | English |
| Gambela | Nuer Anugak Meshenger | English | English | Neuer Anugak Meshenger | English |
| Harar | Amharic Harari Afan- Oromo | Harari Afan- Oromo Amharic | English (Science and maths) | Harari Afan- Oromo Amharic | English |
| Oromiya | Afan- Oromo Amharic | Afan- Oromo Amharic | Afan- Oromo Amharic | Afan- Oromo Amharic | Afan- Oromo Amharic |
| Southern Nation, | Amharic | English | English | Amharic | English |



| | | | | | |
|---|---|-------------------|-----------------------------------|---|---------|
| Nationalities and Peoples Region (SNNP) | Dawro Gamo Gedeo Gofa Hadiya Kembata Kafinono Kontigna Korete Sidama Silti Wolaita | | | Dawro Gamo Gedeo Gofa Hadiya Kembata Kafinono Kontigna Korete Sidama Silti Wolaita | |
| Somali | Somali Amharic | Somali Amharic | English (Science and maths) | Somali Amharic | English |
| Tigrya | Tigrany | Tigrany | Tigrany | Tigerany | English |

N.B. Amharic is given as a subject in all regions starting from different grade levels

Source: Final report study on medium of instruction in primary schools in Ethiopia

Commissioned by the Ministry of Education September to December 2006, accessed at www.hsrb.ac.za/primary education in Ethiopia on 22/11/2011 (some modification by the author)



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